

WAL EMPOWERED COMMITTEE

WAL EMPOWERED COMMITTEE AT THE HON'BLE SUPREME COURT

WAL EMPOWERED PETITION (CIVIL) NO. 202/1995

WAL EMPOWERED COMMITTEE AT THE HON'BLE SUPREME COURT, NEW DELHI, INDIA

NO. 19/CEC/SC/2006-P1

Date: 24/1/08

(i) The Chief Secretary
(All States / Union Territories)

(ii) The Principal Chief Conservator of Forests
(All States / Union Territories)



Sub: Hon'ble Supreme Court's orders dated 28.3.2008 and order dated 9.5.2008 in IA No. 826 in 586 and related IA's regarding the rate of the Net Present Value (NPV) of forest land.

Sir,

I am sending herewith copies of the Hon'ble Supreme Court's orders dated 28.3.2008 and 9.5.2008 in IA Nos. 826 in 586 with related IA's in Writ Petition (Civil) No. 202/1995, regarding the rate of the NPV payable for the use of the forest land for non forestry purposes and related issues. It is requested that the Hon'ble Court's orders may please be brought to the notice of all concerned for strict compliance.

Yours faithfully,

(M.K. Divrajka)
Member Secretary

R.O. No. 4435/20-37(V) dt-24/1/08

प्रतिनिधि निम्न लिखित को सूचनाएं एवं कार्यवाही हेतु एवं
कमरे कापीनस्थ कापिलियों को भी अकाउंट राखने हेतु
1. उपर प्र. 4435/20-37(V) (सूचनाएं) कापीनस्थ
2. नोटल कापीनस्थ (सूचनाएं) को भी अकाउंट राखने हेतु
3. उपर प्र. 4435/20-37(V) (सूचनाएं) कापीनस्थ
4. उपर प्र. 4435/20-37(V) (सूचनाएं) कापीनस्थ

महोदय
श्री. १००
१०००

महोदय निवेदन
आपके विचार निवेदन
विचारों को सुनना
आपका कर्मचारी
प्राप्ति।

२५/६/०८

प्रमुख का संकेत,
डन-संवाद.

25/6/2008.

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. Nos. 826 IN 566 WITH 955 IN 566, 958, 985, 1001-1001A, 1013-14, 1016-1018, 1019, 1046, 1047, 1135-1136, 1164, 1180-1181, 1182-1183, 1196, 1208-1209, 1222-1223, 1224-1225, 1229, 1233 IN 1135-1136, 1248-1249, 1253, 1301-1302, 1303-1304, 1312, 1313, 1314, 1318, 1319 IN 1137, 1325, 1364, 1365-1366, 1370-1370A, 1371, 1384, 1385-1386, 1387, 1434, 1435-1437, 1438, 1441 WITH 1634, 1475-1476, 1513, 1573, 1639 IN 1135-1136 IN I.A. 566, 1664, 1665, 1671, 1676, 1707, 1721, 1779 IN 1164 IN 566, 1785-1786 IN I.A. NO. 1441, 1980-1981, 1993, 2013, 2074-2076, 2077-2078 IN 1441 & 2098 IN 1233 IN 1135-1136, 2145-2146, 2147-2148, 2149-2150 & 2153-2154 IN I.A. 566 IN W.P.(C) NO. 202/1995

T.N. Godayarnian Thirumulpad

...Petitioners

Versus

Union of India & Ors.

...Respondents

O R D E R

On 28th March, 2008, we had passed an order regarding payment of Net Present Value (NPV) accepting the recommendations made by CEC which were more or less acceptable to MoEF. In that order we had also indicated that exemptions from payment of NPV have to be granted in respect of certain categories. However, it is brought to our notice that certain typographical mistakes had crept in that order as to categories to which such exemptions are to be granted. Therefore, we direct that as regards exemptions from

payment of NPV, the last part of that order reading "We are of the view (x) construction of the transmission lines" on pages 10 to 11 shall stand substituted with the following :-

Category	CEC
i) Schools ii) Hospitals iii) Children's play ground of non commercial nature iv) Community centres in rural areas v) Over-head tanks vi) Village tanks, vii) Laying of underground drinking water pipeline upto 4 diameter and viii) Electricity distribution line upto 22 KV in rural areas.	Full exemption upto 1 ha. of forest land provided : (a) no felling of trees is involved; (b) alternate forest land is not available; (c) the project is of non-commercial nature and is part of the Plan/Non-Plan Scheme of Government; and (d) the area is outside National Park/Sanctuary
Relocation of villages from the National Parks/Sanctuary to alternate forest land	Full Exemption
Collection of boulders/silts from the river belts in the forest area	Full exemption provided:- (a) area is outside National Park/Sanctuary; (b) no mining lease is approved/signed in respect of this area;

(c) the works including the sale of boulders/silt are carried out departmentally or through Government undertaking or through the Economic Development Committee or Joint Forest Management Committees;

(d) the activity is necessary for conservation and protection of forests; and

(e) the sale proceeds are used for protection/conservation of forests

Laying of underground optical fibre cable

Full exemption provided :

(a) no felling of trees is involved; and

(b) areas falls outside National Park/Sanctuary

Pre-1980 regularisation of encroachments and conversion of forest villages into revenue villages

Full exemption provided these are strictly in accordance with MoEF's Guidelines dated 18.9.1990.

Underground mining

50% of the NPV of the entire area

The above recommendations for exemptions are accepted. If, in any case, exemption is required by nature of the peculiar circumstances of the case, the same would be decided as and when necessary on a case to case basis.

.....CJI
(K.G. BALAKRISHNAN)

.....
(DR. ARJIT PASAYAT)

.....
(S.H. KAPADIA)

New Delhi;
May 9, 2008.

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. Nos. 826 IN 566 WITH 955 IN 566, 958, 985, 1001-1001A, 1013-14, 1016-1018, 1019, 1046, 1047, 1135-1136, 1164, 1180-1181, 1182-1183, 1196, 1208-1209, 1222-1223, 1224-1225, 1229, 1233 IN 1135-1136, 1248-1249, 1253, 1301-1302, 1303-1304, 1312, 1313, 1314, 1318, 1319 IN 1137, 1325, 1364, 1365-1366, 1370-1370A, 1371, 1384, 1385-1386, 1387, 1434, 1435-1437, 1438, 1441 WITH 1634, 1475-1476, 1513, 1573, 1639 IN 1135-1136 IN IA 566, 1664, 1665, 1671, 1676, 1707, 1721, 1779 IN 1164 IN 566, 1785-1786 IN I.A. NO. 1441, 1980-1981, 1993, 2013, 2074-2076, 2077-2078 IN 1441 & 2098 IN 1233 IN 1135-1136, 2145-2146, 2147-2148, 2149-2150 & 2153-2154 IN I.A. 536 IN W.P.(C) NO. 202/1995

T.N. Godavarman Thirumulpad

...Petitioners

Versus

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...Respondents

O R D E R

It is an undisputed fact that the forest in this country is an important and vital component to sustain the life support system on this planet. For various reasons, our forest is being slowly depleted.